

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of:)	
)	
KM Television of Flagstaff, L.L.C.)	
v.)	CSR-5974-M
Cable One, Inc.)	
)	
Request for Carriage)	

ORDER ON RECONSIDERATION

Adopted: March 10, 2003

Released: March 12, 2003

By the Deputy Chief, Media Bureau:

1. Cable One, Inc. ("Cable One"), operator of a cable system serving Show Low, Arizona, has requested partial reconsideration of the Media Bureau's decision that granted KM Television of Flagstaff, L.L.C.'s must carry complaint against Cable One with regard to the Show Low cable system.¹ KM Television is the licensee of television broadcast station KCFG (Ch. 9), Flagstaff, Arizona ("KCFG"). KCFG filed an opposition to this petition. For the reasons discussed, we grant the petition for partial reconsideration.²

2. Cable One argues that, despite the fact that the Bureau agreed that KCFG did not provide a good quality signal at the other 5 principal headends involved in the original complaint, it ordered KCFG's carriage in Show Low due to a deficiency in its engineering test performed for that headend.³ Cable One maintains that it should have been allowed a reasonable opportunity to either resubmit a properly conducted test measurement or demonstrate that its test was properly conducted but merely contained a reporting error.⁴ Cable One points out that the only deficiency the *Bureau Order* cited with respect to the signal measurement for Show Low was that the antenna orientation indicated Phoenix instead of Flagstaff.⁵ Cable One states that this was an inadvertent error, a fact which is supported by a declaration from its field technical supervisor.⁶ Cable One states that this declaration also indicates that during the measurements taken at the Show Low headend, Cable One's receive antenna was oriented toward Flagstaff and the KCFG transmitter in such a fashion as to obtain the best possible signal during

¹*KM Television of Flagstaff, L.L.C. v. Cable One, Inc.*, DA 03-63 (released January 13, 2003) ("*Bureau Order*").

²We note that Cable One simultaneously filed a motion for stay of the *Bureau Order*. In view of our action herein, we need not address the issues raised in the petition.

³*Id.* at 2.

⁴*Id.*, citing *Central Ohio Association of Christian Broadcasters, Inc. v. Time Warner Cable*, 16 FCC Rcd 8419 (2001).

⁵*Bureau Order* at ¶ 8.

⁶Petition for Reconsideration at 6 and Attachment (Declaration of Lyle Sumic).

the test.⁷ As a result, Cable One requests that the Bureau modify its holding to condition the carriage of KCFG at Show Low on the station's delivery of a good quality signal to the cable system's principal headend.

3. KCFG's opposition states that, assuming Cable One's new submission demonstrates a deficient over-the-air signal at the Show Low headend, it has no objection to its carriage on that system being conditioned in the same manner as was done in the *Bureau Order* for Cable One's other 5 cable systems. KCFG reasserts that despite any demonstrations of poor signal quality on the part of Cable One, KCFG has committed to providing a good quality signal at its own expense and will be eligible for carriage on the Show Low system when it fulfills this requirement.

4. A review of the signal strength test resubmitted by Cable One indicates that the discrepancy with regard to signal orientation has been resolved. As a result, we find that Cable One has demonstrated that KCFG does not presently provide a good quality signal at Show Low's principal headend. We note, however, that KCFG has reiterated its commitment to deliver a good quality signal at its own expense. In view of this fact, we will grant Cable One's request for partial reconsideration and condition KCFG's carriage on its Show Low cable system on the station's ability to deliver an adequate signal.

5. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended (47 U.S.C. § 534), that the petition for partial reconsideration filed by Cable One, Inc. **IS GRANTED**.

6. **IT IS FURTHER ORDERED** that Cable One shall commence carriage of KCFG on its cable system serving Show Low, Arizona, sixty (60) days from the date on which KCFG provides a good quality signal to Cable One's principal headend.

7. This action is taken pursuant to authority delegated by Sections 0.283 and 1.106 of the Commission's rules.⁸

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Media Bureau

⁷*Id.* at Exhibit A.

⁸47 C.F.R. §§ 0.283 and 1.106.